

**In The Matter Of:**  
*United States vs.*  
*PFC Bradley E. Manning*

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*Vol. 15*  
*July 8, 2013*  
*UNOFFICIAL DRAFT - 07/08/13 Morning Session*

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*Provided by Freedom of the Press Foundation*

Min-U-Script® with Word Index

1 VOLUME XV  
2 IN THE UNITED STATES ARMY  
3 UNITED STATES  
4 VS.  
5 MANNING, Bradley E., PFC COURT-MARTIAL  
6 U.S. Army, xxx-xx-9504  
7 Headquarters and Headquarters Company,  
8 U.S. Army Garrison,  
9 Joint Base Myer-Henderson Hall,  
10 Fort Myer, VA 22211

11 \_\_\_\_\_ /  
12  
13           The Hearing in the above-entitled matter was  
14 continued on Monday, July 8, 2013, commencing at 9:30  
15 a.m., at Fort Meade, Maryland, before the Honorable Colonel  
16 Denise Lind, Judge.

1                   **DISCLAIMER**

2  
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16 that do not make sense, and missing testimony or  
17 colloquy due to being inaudible by the reporter.

18  
19  
20  
21

1 APPEARANCES:

2

3

4 ON BEHALF OF THE GOVERNMENT:

5 MAJOR ASHDEN FEIN

6 CAPTAIN ANGEL OVERGAARD

7 CAPTAIN JOSEPH MORROW

8

9 ON BEHALF OF THE ACCUSED:

10 DAVID COOMBS, ESQUIRE

11 MAJOR THOMAS HURLEY

12 CAPTAIN JOSHUA TOOMAN

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**2 July 8, 2013**

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1 PROCEEDINGS  
2 Motion for directed verdict 104 offense?  
3 Second motion for directed 1030 verdict offense.  
4 Three, motion for directed verdict 641 offenses,  
5 accepting the USFI globe address list. And, four,  
6 motion for directed verdict, the USFI global address  
7 list.

8 (Issues with video feed)

9 (Playing video)

10 MR. COOMBS: Defense would request a  
11 ten-minute comfort break.

12 THE COURT: Any objection?

13 MAJOR FEIN: No, ma'am.

14 THE COURT: Court is in recess until  
15 quarter after 11:00.

16 (Hearing recessed at 11:03 a.m.)

17 (Hearing resumed at 11:20 a.m.)

18 THE COURT: The Court is called to order.

19 Let the record reflect all parties present when the  
20 Court last recessed are again present in court.

Over the recess I was advised that the

1 media field was not working for the first 20 minutes  
2 approximately of the session that was last held and  
3 some of the video that was played was not  
4 broadcasted in the media center; is that correct?

5 MAJOR FEIN: Yes, ma'am. United States  
6 will make available during the lunch recess, Your  
7 Honor, a computer with the video with Defense  
8 Exhibit -- the Defense Exhibit available for members of  
9 the media to view.

10 THE COURT: The video, is that a  
11 prosecution exhibit?

12 MAJOR FEIN: I'm sorry, it was P15 that was  
13 played.

14 THE COURT: Any objection.

15 MR. COOMBS: No objection, Your Honor.

16 THE COURT: Is there anything else we need  
17 to address before we broad.

18 MAJOR FEIN: No, ma'am.

19 MR. COOMBS: Defense calls CW-2 Joshua  
20 Ehresman.

21 Whereupon,

1                   CHIEF JOSHUA EHRESMAN,  
2 called as a witness, having been first duly sworn to  
3 tell the truth, the whole truth and nothing but the  
4 truth, was examined and testified as follows:

5                   DIRECT EXAMINATION

6                   BY MR. COOMBS:

7       Q      Chief Ehresman, what is your military  
8 specialty?

9       A      I'm an intelligence analyst technician,  
10 sir.

11      Q      How long have you had that MLS?

12      A      I've been a warrant officer for about seven  
13 years, sir.

14      Q      What was your highest enlisted rank before  
15 you became a warrant officer?

16      A      Sergeant First Class, sir.

17      Q      When were you a member of second BCT 10th  
18 Mountain Division, the S2 section?

19      A      From early 2008 to late 2011, sir.

20      Q      Did you deploy with your unit to Iraq?

21      A      Yes, sir.

1           Q     And what was your duty position actually  
2 before the deployment to Iraq.

3           A     The fusion tech, sir.

4           Q     And can you explain what that was?

5           A     I was overall responsible for the products  
6 that come out of our shop, sir.

7           Q     And this was the intelligence products?

8           A     Yes, sir.

9           Q     And when did you actually deploy to Iraq?

10          A     In November of 2009, sir.

11          Q     And why were you deploying after?

12          A     Because I was going through surgery. I had  
13 surgery on both of my ankles and it prohibited me from  
14 leaving when they all left.

15          Q     Where did you work once you arrived in  
16 Iraq?

17          A     In the fusions.

18          Q     I want to ask you: You the fusion section,  
19 was that in the T-SCIF?

20          A     Yes, sir.

21          Q     I want to ask you a few questions about the

1       T-SCIF operations during the deployment. Okay?

2           A     Yes, sir.

3           Q     Did the T-SCIF's have CDs in it?

4           A     Yes.

5           Q     What were those CDs being used for?

6           A     For passing information -- the products  
7        that were developed were too big to e-mail to each  
8        other and to pass to our Iraqi counterparts. So we  
9        would have to put them on the CDs and transport them by  
10      hand.

11          Q     And were these CDs -- if you're putting  
12        product on that, were you putting classified  
13        information on the CDs?

14          A     Yes, sir.

15          Q     Were these CDs always appropriately marked?

16          A     Not always, sir.

17          Q     And why not?

18          A     I don't know.

19          Q     What would happen to the CDs after you  
20        burned information down on them?

21          A     We would write on it what we had on that --

1 what we put on that CD and when we were done with it we  
2 destroyed or recopied over.

3 Q Were soldiers in the S2 authorized to burn  
4 information from their D6A computers down CDs?

5 A Yes, sir.

6 Q And why would a analyst do that?

7 A Well, like we was talking about with the  
8 size of the products, sometimes we had to put them on  
9 that to transport them to another computer just in case  
10 it crashed or we go had to go to a different location  
11 to use that information, sir.

12 Q Did you ever have any problems with the  
13 servers going down?

14 A Yes, sir.

15 Q And was it common for analysts to burn  
16 information in order to have it on a CD to have it on  
17 their own library?

18 A Yes.

19 Q Was at the a permitted practice?

20 A Yes, sir.

21 Q Was it also common for an analyst to save

1 information down from a hard drive down to their  
2 individual computer?

3 A Yes, sir.

4 Q By saving onto the computer's hard drive or  
5 saving onto a CD, what did that enable you to do?

6 A Well, if your computer crashed or it was  
7 like a save, an automatic save. If something went  
8 wrong, the server went down, or the computer crashed,  
9 you had your information and didn't lose it all and  
10 have to start from scratch. It usually took 20 minutes  
11 to five hours to download one item. So it was terrible  
12 to try to do it again. It was time.

13 Q So having on it CD that enabled you not to  
14 have to rely upon the server?

15 A Yes, sir, it was more expedient.

16 Q Did the S2 section ever have any problems  
17 with the D6A computers crashing?

18 A Yes, sir, all the time.

19 Q How often would they crash?

20 A All the time. I mean, some -- like the one  
21 that PFC Manning used, it crashed at least daily.

1           Q     What about our D6A?

2           A     All of in them did, sir. Every single D6  
3 crashed at least once every other day.

4           Q     Did you work off of a D6A computer ?

5           A     Yes, sir.

6           Q     How many times did your D6A crash?

7           A     Mine crashed at least once every two or  
8 three days.

9           Q     When an analyst's laptop would crash, what  
10 would they do?

11          A     We would have to move to another system  
12 until we could get that one either fixed or running  
13 back up, sir.

14          Q     How long would it usually take to get the  
15 computer fixed or working off another laptop?

16          A     Depending on what was wrong with it,  
17 sometimes we had to send them back to the main  
18 (INAUDIBLE) and sometimes it could be fixed by  
19 Mr. Millman or somebody local. Sometimes it just  
20 needed to cool off.

21          Q     Would you always get your information back

1 after your D6A crashed?

2 A No, sir.

3 Q Have you had any experience where you lost  
4 information --

5 A Yes, sir.

6 Q -- because of a D6A crashing?

7 A Yes, sir.

8 Q If an analyst wanted to, could they burn  
9 information down onto a CD in order to avoid listing  
10 information in the event that their computer might  
11 crash?

12 A Why he is.

13 Q Was that a permitted practice in the S2  
14 section?

15 A Yes, sir.

16 Q And, Chief, you're doing fine. Have you  
17 ever testified before?

18 A Yes, sir.

19 Q If you could just let me complete my entire  
20 question. You're doing fine, but occasionally you have  
21 a yes or no before complete my question. Okay?

1           A       yes, sir.

2           Q       Thank you, Chief.

3                   Were there any rules on what an analyst  
4 could or could not burn down onto a CD?

5           A       No, sir.

6           Q       So if it was on the T-Drive, for example --  
7 what was a T-Drive, by the way?

8           A       That was the shared drive, sir.

9           Q       If it was on the T-Drive, could an analyst  
10 burn anything they wanted from the T-Drive onto a CD?

11          A       Yes.

12          Q       What about the SIPRnet, could an analyst  
13 burn something down from the SIPRnet onto a CD?

14          A       Yes, sir.

15          Q       Was it common for analysts to do so?

16          A       Yes, sir.

17          Q       Do you recall if the S2 section ever put  
18 out any rules or guidance as to what you could or could  
19 not burn down onto a CD?

20          A       No, sir.

21          Q       I want to ask you a few questions now about

1 how the S2 section was divided up during the  
2 deployment. Okay?

3 A Yes, sir.

4 Q How many times analysts did you have  
5 working in the T-SCIF?

6 A Completely I think we have three. I think  
7 it was nine or ten, sir, enlisted.

8 Q Did you have a current ops and a future  
9 ops?

10 A Yes, sir.

11 Q And where was the current ops located?

12 A Current ops was out in the top area where  
13 everything was going on and the SCIF was in the back.

14 Q And I guess in the back is that where the  
15 future ops was?

16 A Yes, sir.

17 Q And what did analysts work on when they  
18 were working in the future ops?

19 A In the future ops they worked on  
20 establishing trends and identifying patterns.

21 Q What section did PFC Manning work in?

1           A       Future ops, sir.

2           Q       Were the products that PFC Manning was  
3 working on, were they used for real-time on the  
4 battlefield decisions or were they the used for kind of  
5 establishing trends for future operations?

6           A       Both, sir.

7           Q       How were they used for real-time  
8 information?

9           A       Well, if something happened that-an ID or  
10 some kind of action happened, the troops in contact,  
11 then when we established something to our pattern  
12 analyst we could give that to the current ops and let  
13 them know that this is probably going to happen because  
14 of what we've seen in the past.

15          Q       Okay. So that would be something that  
16 happens on the battlefield (INAUDIBLE) alerts to it and  
17 you would do some research on it?

18          A       Yes, sir.

19          Q       And what about for future ops, how would  
20 his work products be used for those?

21          A       So we could better establish TTPs, or

1           tactics, techniques, and procedures to alert soldiers  
2        that were going out and leaders that were going out to  
3        give them a better understanding of the battlefield,  
4        sir.

5           Q        How many shifts did the T-SCIF run?

6           A        When I first got there, there was two,  
7        there was a day and a night shift, sir.

8           Q        Do you recall -- I know it's been a little  
9        while, but do you recall the general hour time periods  
10      for the day and night shift?

11          A        I'm pretty sure it was 09 to 21 and then 21  
12      to 09. I think that's what it was, sir.

13          Q        So 09 and 21 the day shift and 21 to 09 the  
14      night shift?

15          A        Yes, sir.

16          Q        How many analysts, I guess, were on each  
17      shift?

18          A        We had two -- five enlisted and one  
19      officer, maybe one NCO on each shift, sir.

20          Q        Do you recall what shift PFC Manning was on  
21      when they started?

1           A       Night shift, sir.

2           Q       And who were his supervisors on the night  
3 shift?

4           A       We were when we were deployed his  
5 supervisor was Specialist Paggent was his immediate  
6 supervisor.

7           Q       Did you have a NCO on the night shift?

8           A       No. Well, we had (INAUDIBLE) Atkins was  
9 working both, but I don't remember anybody else.

10          Q       Did you have an OIC on the night shift?

11          A       We did at first we had I think it was  
12 Captain Keay was the original OIC at night, but after  
13 the chain of command got shifted up and when  
14 (INAUDIBLE) had to leave and we had to switch that up a  
15 little bit.

16          Q       Do you have if an officer replaced him?

17          A       No one replaced him directly, sir.

18          Q       How long -- and I know again this is a  
19 while ago, but how long was Captain Keay the NCOIC on  
20 the night shift?

21          A       Maybe two months, sir.

1           Q       Going back to the NCOIC, the night NCOIC,  
2 what were their responsibilities?

3           A       Just to make sure that the direction that  
4 was provided to them at shift change was conducted and  
5 then make sure that the soldiers got chow and  
6 everything, sir.

7           Q       At least for the night shift did I  
8 understand you correctly that it was a specialist and  
9 not an NCO?

10          A       I know there was an NCO there at first, but  
11 somewhere in that -- where we had to go through a lot  
12 of changes we lost the NCO and Specialist Paggent had  
13 to step up and be the NCO.

14          Q       With regard to the night shift analyst,  
15 what were they generally tasked to do?

16          A       Our catch up work basically, sir. They  
17 were -- they had to provide the stuff that we couldn't  
18 attend to during the day because of the up tempo.

19          Q       Can you give the Court an example of what  
20 that would be?

21          A       A data mine or consolidation of a specific

1 attack or a specific event in a certain area by a  
2 certain group.

3 Q Do you recall what work specifically PFC  
4 Manning did on the night shift?

5 A He did that, sir.

6 Q Did he ever do anything dealing with the  
7 Iraqi elections?

8 A Well, for trends, yes, sir. For trends of  
9 the past elections, yes, he gathered that.

10 Q And, again, any in kind of a general  
11 unclassified description of would he would be doing on  
12 the night shift?

13 A For the elections or?

14 Q For the elections, yes.

15 A For elections, sir, we would find trends  
16 that happened during the last elections and see if we  
17 could set up something to identify the people that were  
18 going to participate in this election so they would  
19 have some kind of idea of what might happen or  
20 indicators.

21 Q And if he wasn't working on that did he

1 ever do anything dealing with counter IAD?

2 A Yes, sir.

3 Q And, again, in a general unclassified  
4 description, what would he be doing with regards to  
5 counter ID?

6 A Techniques and procedures, tactics,  
7 techniques, and procedures.

8 Q As he's doing that, can you describe in  
9 general what that product might look like when he was  
10 done and turned it in?

11 A We had density plots. We had maps. We had  
12 examples of things that had happened. I mean, there's  
13 a myriad of things that we did for predicting what we  
14 thought would happen or how it would happen.

15 Q You said density plots, what are those?

16 A It's basically a map of the area and it  
17 would have colors from the intensity or the amount of  
18 attacks that we had in that specific area, and that's a  
19 density plot, sir.

20 So if there was a lot of attacks in that  
21 specific area it would be red and the lighter the

1 colors got back to green there would no attacks. So  
2 that would be a density plot.

3 Q And you had earlier said the term data  
4 mining, what is data mining?

5 A That's pulling everything you can from  
6 every bit of intelligence assets you've got to help  
7 build your products.

8 Q Would you expect (INAUDIBLE) list of data  
9 mining?

10 A Yes, sir.

11 Q Why is that?

12 A Because you can't go off one source of  
13 intelligence to predict something to happen. You have  
14 to have other stuff that indicate that it's going to  
15 happen. You can't just guess.

16 Q Where do analysts obtain their information  
17 that they're data mining?

18 A Everywhere, sir. We got them on the SIPR,  
19 we got them from the T-Drive. We got them from  
20 wherever we could, open source, anything.

21 Q And correct me if I'm wrong, when I think

1 of the term data mining, what you just described, is  
2 basically an analyst looking at everything and anything  
3 that they can, at any location just to kind of figure  
4 out would this perhaps be relevant to what I'm doing,  
5 is that correct, or would you provide a different  
6 definition for it?

7 A Yes, sir.

8 Q Yes, sir, that's --

9 A That's correct. You're trying to find out  
10 yes or no this is going to happen, and, yes, this is  
11 how it's happened and this is why it's happening. So  
12 you have to confirm or deny your assessment.

13 Q Now, with regards to I guess when you're  
14 doing this was the any guidance put out that if your  
15 you're data mining you can do everything but go to this  
16 particular area on SIPRnet?

17 A No, sir.

18 Q So were there any restrictions on what you  
19 would data mine on SIPRnet?

20 A No, sir.

21 Q Was it common for soldiers or analysts to

1 data mine?

2 A Yes, sir.

3 Q Did analysts also use open source  
4 information?

5 A Yes, sir.

6 Q And what is open source information?

7 A That's regular Internet, sir.

8 Q How would an analyst use an open source?

9 A We would get on and check out the web pages  
10 or you can check out local newspaper or it's anything  
11 that doesn't come through our secret or higher  
12 confidential webs.

13 Q And, again, in kind of a general  
14 description, how would open source information help  
15 your work products?

16 A Sometimes some of the media had information  
17 that we didn't find out through our patrols or  
18 something. We could get patrol report and they would  
19 have outside information or a different point of view  
20 from what happens. So we would use that in our  
21 assessment, sir.

1           Q     And were analysts encouraged to use open  
2 source information for their work products?

3           A     Yes, sir.

4           Q     Was there any sort of restriction placed  
5 out by the S2 section of you can go to every place  
6 besides these sites on open source?

7           A     There was no restriction, sir.

8           Q     Did analysts ever use the CIDNE database?

9           A     Yes, sir.

10          Q     Can you explain what the CIDNE database is  
11 in general?

12          A     Every kind of action or any kind of report  
13 put on so that specific database.

14          Q     How many -- I guess, well first of all,  
15 SigActs is that one of the databases on CIDNE database?

16          A     Yes.

17          Q     How many our databases besides SigActs is  
18 in CIDNE?

19          A     I know there's five at least that's on  
20 their, sir, but there's a lot.

21          Q     With regard to the CIDNE?

1                   THE COURT: Five what?

2                   THE WITNESS: There's five different key  
3 areas that you can check from.

4                   BY MR. COOMBS:

5                   Q         With regards to those areas, so you have  
6 SigActs at one area, do you recall any other of the  
7 areas?

8                   A         Yes, sir. There's IADs, there's small arms  
9 fire, there's kidnapping, arson, criminal activities.

10                  Q         And on each of those areas if you went to  
11 that database you would find information in it I guess?

12                  A         Yes, sir.

13                  Q         Are we talking a little information or a  
14 lot of information?

15                  A         Every bit of information that they had on  
16 that event, sir.

17                  Q         And what about the size of the database for  
18 the CIDNE database?

19                  A         The report could be one sentence long or it  
20 could be 50 or 60 pages long.

21                  Q         Are you familiar with the center for Army's

1 lessons learned?

2 A Yes, I am, sir.

3 Q What is your, I guess, understanding of  
4 center for Army's lessons learned?

5 A That's where people write in information  
6 that they have discovered or tactics or whatever to  
7 help other people understand what we're fighting or to  
8 get better.

9 Q Is the CIDNE database something like that?

10 A No, I don't think so, sir.

11 Q And why not?

12 A Well, the CIDNE database is a historic  
13 record of everything that we have reported, where the  
14 center of Army lessons learned is things that we've  
15 identified how to counteract them or to help us.

16 Q So SigAct, correct me if I'm wrong, then  
17 the CIDNE database would be an historical account of  
18 what happened and the Center for Army's lessons learned  
19 would be a lessons learned based upon what happened and  
20 how we can change for the future?

21 A Yes, sir.

1           Q     How does a SigAct -- if you know, how does  
2 a SigAct get into the CIDNE database?

3           A     There's a couple of different ways it could  
4 get put into there, but usually it's a report that's  
5 put in from (INAUDIBLE) and a patrol they could have a  
6 patrol debrief or something and they could be in place  
7 by a person that has administrative rights.

8           Q     So let's go ahead and kind of describe this  
9 out. Some if I'm a unit and I'm going down a main  
10 supply route and I take in some enemy contact and I  
11 call that in, can you, from that point, kind of walk  
12 forward of what just happened to me and my unit on this  
13 main supply route that might eventually end up on the  
14 CIDNE database?

15          A     Yes, sir. Every report that is established  
16 from that incident will eventually make it onto CIDNE.  
17 They'll go from that initial report can be submitted to  
18 that TOK to that brigade, and that brigade  
19 administrator will put that in the CIDNE database and  
20 then as well as the patrol debriefs and any other thing  
21 that follows that incident they're written up summary

1 of what happened will go, be reviewed, and then it will  
2 be placed in a CIDNE so other people can look at it and  
3 learn what happened.

4 Q Does a SigAct go through a period of time  
5 where it's being changed once it's been initially  
6 reported?

7 A There is two weeks before they get put on  
8 there, at least two weeks before a CIDNE act is on  
9 their, sometimes they can be altered up to, you know, a  
10 couple of months.

11 Q And when a SigActs is finally put into the  
12 CIDNE database, is it automatically classified or do  
13 you know?

14 A I don't know, sir.

15 Q Do you know how a SigActs is or is not  
16 classified?

17 A No, sir.

18 Q From your standpoint, are you -- do you  
19 know if a SigActs always classified as secret or  
20 something else?

21 A Out of the assumptions I always assume that

1       they are secret because it's on a secret net, sir.

2           Q     Do you know if there's anything top secret?

3           A     No, sir.

4           Q     There's nothing top secret?

5           A     No, sir.

6           Q     Do you know if SigActs contain names of key  
7       sources that are working with our government?

8           A     Not names, sir.

9           Q     And why not?

10          A     Because that is a little bit higher level  
11       of clearance, sir.

12          Q     From your standpoint, do SigActs eventually  
13       become dated more of a historical records?

14          A     Yes, sir.

15          Q     And when SigActs became dated more of a  
16       historical record, are they still useful to you as an  
17       analyst?

18          A     Yes, sir.

19          Q     How so?

20          A     If I see something that's trending a  
21       specific way, going back to something I've identified

1       in the past, I can refer back to that and someone might  
2       be using that. Maybe a detainee was released recently  
3       and he's back to what he was doing. So now I know what  
4       he was going to do based on what he did on those  
5       historical findings, sir.

6           Q       And after the SigActs in this case were  
7       posted on line in open source, did you continue to use  
8       SigActs as intel analysts.

9           A       Yes, sir.

10          Q       And why?

11          A       Because they're just historic references,  
12       sir.

13          Q       Could you still use the SigActs that were  
14       now available online? When I say online, open source  
15       unclassify to establish trends in your work?

16          A       Yes, sir.

17          Q       Could you still use those same SigActs to  
18       make connections?

19          A       Yes, sir.

20          Q       Did it change how you used the SigActs once  
21       they were released by WikiLeaks?

1           A       No, sir.

2           Q       And why not?

3           A       Because it's just historical information.

4       They don't know the process and the things that we do  
5       to make that information into our products. Although  
6       it's the same thing that we know what happened.

7           Q       Do you know if the SigActs within the CIDNE  
8       database stay secret forever?

9           A       I don't know, sir.

10          Q       I want to ask you a few questions now about  
11       PFC Manning's work performance as an analyst. Okay?

12          A       Yes, sir.

13          Q       Were you able to view his duty performance  
14       while he was deployed?

15          A       Yes, sir.

16          Q       And how so?

17          A       While I was deployed I intermingled with  
18       him a few times because my job is to oversee and make  
19       sure that everybody was doing the right stuff and make  
20       sure that the products were exactly what our boss and  
21       our boss' boss would like.

1           Q       And based upon your ability to view his  
2 performance, what was your assessment of his work  
3 performance?

4           A       It was good.

5           Q       And can you explain. You thought he was  
6 good?

7           A       He was our best analyst by far when it came  
8 to developing products. Anything you would ask him,  
9 most soldiers you would have is to spell it out exactly  
10 what they had to do. With Manning you would just give  
11 him, hey, this is what I'm thinking. He would bounce a  
12 couple of things off of you and come up with exactly  
13 what you're looking for.

14          Q       And with regards to his work products, what  
15 he actually gave you at the end, how did you assess  
16 those in quality?

17          A       The best, sir. (INAUDIBLE) He was our  
18 go-to guy for that stuff.

19          Q       Can you give an example just again in  
20 general unclassified description what type of product  
21 you would actually hand to you?

1           A       I don't know the line of classification of  
2 where we would go, but it would be very detailed and  
3 everything outlined.

4           Q       Did you ever hear anyone complain about PFC  
5 Manning not being able to complete work on time?

6           A       One time, and that was the Showman event.

7           Q       So other than that no problems with him  
8 completing work?

9           A       No, sir.

10          Q       How was PFC Manning's productivity level  
11 compared to other analysts during the deployment?

12          A       His was higher than everyone else's in the  
13 shop, sir.

14          Q       Did you ever notice a drop in his  
15 productivity level in say March or April of 2010?

16          A       No, sir.

17          Q       How would you describe PFC Manning's  
18 computer literacy?

19          A       It was very high.

20          Q       Why do you think that?

21          A       Well, our conversations with his background

1 on computer knowledge and then his demonstrations of  
2 utilizing the systems that we had in place, sir.

3 Q       Would you say that PFC Manning was  
4 knowledgeable on the systems that you had on the D6A  
5 computer?

6 A       Yes, sir.

7 Q       And why do you believe that?

8 A       Because of the products that he came up  
9 with, sir.

10 Q       Did PFC Manning ever assist others with the  
11 programs that are on they're D6A computers?

12 A       Yes, sir.

13 Q       Can you explain why you believe that?

14 A       Well, I mean soldiers like Loraina, she  
15 could have difficulties understanding how to make our  
16 density plots and PFC Manning would show them, okay,  
17 all you had to was this and this and thank you and they  
18 would go back to doing what they do. He was always our  
19 go-to guy for a lot of our shops, sir.

20 Q       Loraina?

21 A       Specialist Espean.

1           Q     With regards to just experience level as an  
2 analyst, was PFC Manning a very experienced analyst?

3           A     Not an experienced analyst, no, sir.

4           Q     Was he still at a stage from your  
5 estimation that he had a lot to learn as an analyst?

6           A     Yes, sir.

7           Q     How long does it take to become basically  
8 an expert analyst?

9           A     It depends on the person and their  
10 personality, sir.

11          Q     In your experience from an analyst leaving  
12 the AIT training to the point which they become an  
13 expert where would you say that person is an expert  
14 analyst, about how long does it take to get to that  
15 point, in general?

16          A     It depends on the individual, sir, because  
17 some people never reach that point where like they  
18 don't understand what they're doing and some people  
19 they come straight out of AIT and they're amazing.  
20 It's an individual base, sir.

21          Q     And based upon your observation, you said

1       that PFC Manning still had a lot to learn. Where was  
2       he weak as an analyst?

3           A       In his assessment, sir.

4           Q       Can you explain why you thought that?

5           A       Sometimes our junior analysts jump to  
6       conclusions before they actually vetted it through  
7       everything, every source. They would use one or two  
8       sources and then jump to a conclusion, instead of using  
9       all of the sources and then bouncing it, you know, with  
10      your partners and find out, okay, we both agree or we  
11      disagree and this is why, and that's his socializing,  
12      that's where it failed him a little bit.

13           Q       Now, what programs would analysts use on  
14      their D6A computers to conduct their data mining?

15           A       We had mapping. We had CIDNE. We had  
16      Humity reports, SigAct reports.

17           Q       One of the programs on the D6A computer did  
18      you have mIRC Chat?

19           A       Yes, sir.

20           Q       And was mIRC Chat, from your understanding,  
21      part of the baseline package for the D6A computer or

1 something that needed to be added?

2 A When I was there they all had it. I don't  
3 know if they were added in between the time 10th  
4 Mountain got there and when I got there, but when I was  
5 there they were all on.

6 Q And when you were opening -- first of all,  
7 did you need mIRC Chat to do your job?

8 A Yes.

9 Q Why?

10 A So you could contact other units, other  
11 companies, other battalions and it was an immediate  
12 response to an analyst at that other end.

13 Q You said that when you got you thought that  
14 I mIRC Chat was on everyone's computer. Let's talk  
15 about your computer. How was mIRC Chat on your  
16 computer?

17 A It was a little pop up symbol on my  
18 computer. I just double click it and it opened up,  
19 sir.

20 Q Was it on your desktop?

21 A Yes.

1           Q     Do you know what an executable file is?

2           A     Somewhat, sir.

3           Q     What is your understanding of an executable  
4 file is?

5           A     It's something that can function on its  
6 own, sir. It's a program.

7           Q     Did the S2 section allow analysts to run  
8 executable files as a shortcut from the desktop to  
9 their computers?

10          A     They're not allowed to put them on the D6A,  
11 and nothing was allowed to be downloaded onto the D6A  
12 without permission from Mr. Millman or a D6A operator  
13 before you we were allowed to put shortcuts that go to  
14 our CDs or something or a quick reference.

15          Q     I want to make sure I understand you  
16 correctly because we talked about this on several  
17 occasions, correct?

18          A     Yes, sir.

19          Q     Do you recall telling me that analysts, S2  
20 sections, that analysts could run executable files from  
21 the desktop of their computer as long as it was a

1       shortcut?

2           A       The shortcuts they could, yes, sir.

3           Q       When you say shortcut, so if I have an  
4 executable file put on it as a shortcut on my desktop  
5 of my D6A computer and what is that?

6           A       It's a quick link to it, sir. It's like a  
7 link you click on it and it goes straight to that file  
8 and opens it up.

9           Q       Do you recall the S2 section saying that  
10 analysts were --

11                  MAJOR FEIN: Objection, Your Honor,  
12 leading.

13                  THE COURT: Sustained.

14                  MR. COOMBS: Okay, Your Honor, can I  
15 complete the question and then I don't believe it is?

16                  THE COURT: Go ahead and complete the  
17 question.

18                  MR. COOMBS: Thank you.

19                  BY MR. COOMBS:

20           Q       Do you recall the S2 section indicating  
21 that analysts were allowed to run executable files from

1 a CD on their D6A computer?

2 THE COURT: I'm going to overrule on --  
3 just a minute.

4 Overruled. Go ahead.

5 MAJOR FEIN: Objection, Your Honor,  
6 hearsay.

7 THE COURT: Say the one more time.

8 MR. COOMBS: Do you recall the S2 section  
9 allowing analysts to run executable files from a CD on  
10 their D6A computer?

11 THE COURT: What is the Defense's response  
12 to the government's hearsay objection?

13 MR. COOMBS: In this instance not offered  
14 for the truth, it's relevant solely from the standpoint  
15 of what was put out for analysts to understand. One of  
16 the charges in this case is the government charging PFC  
17 Manning for using an executable file on his computer.  
18 You know, in this instance it's (INAUDIBLE).

19 THE COURT: I'll allow him to answer the  
20 question. Go ahead.

21 THE WITNESS: As long as it was not

1 downloaded to the actual D6A we could use it. If it  
2 was on a CD, yes, we could.

3 BY MR. COOMBS:

4 Q And when were you informed that as long as  
5 it was on a CD you could run an executable file?

6 A When I was trying to download a program on  
7 it to it sometime in December and I had a conversation  
8 with Mr. Millman who said we couldn't download anything  
9 to the actual D6A because it owned by somebody else,  
10 but we could keep it on a CD. So if it was not  
11 download to the D6A (INAUDIBLE).

12 Q With regards to the use of executable  
13 files, did anyone in the S2 ever put out guidance that  
14 using an executable file in a CD was against the  
15 authorized user agreement?

16 A No, sir.

17 Q Did anyone in the S2 section put out  
18 guidance that putting a shortcut for an executable file  
19 on the desk of your D6A computer was against the user  
20 agreement?

21 A No, sir.

1           Q     And you indicated you actually had put,  
2 used an executable file from a CD on your D6A computer?

3           A     No, I tried to but you needed an  
4 administrative password that's why I went to Mr.  
5 Millman to try to get that done.

6           Q     To put it on the computer?

7           A     Yes, sir.

8           Q     How about to run it from your CD?

9           A     I didn't have any problems with that, sir.

10          Q     And that was an executable file from your  
11 CD?

12          A     Yes, sir.

13          Q     With regards to the D6A computers, were  
14 analysts allowed to listen to music on their D6A  
15 computers?

16          A     Yes, sir.

17          Q     Did you have music in the T-SCIF?

18          A     Yes, sir.

19          Q     And where did the music come from?

20          A     Some of it came from the T-Drive. They had  
21 lot lots and lots of music from there, and some were

1 from people's personal CDs, sir.

2 Q With regard to the T-Drive, how much  
3 information was on the T-Drive, if you know?

4 A I don't know, sir.

5 Q Did you ever look to see how much music was  
6 on the T-Drive?

7 A I know it was more than enough to overload  
8 your computer. If you opened up and try to download  
9 even half of it your computer would shut down. It  
10 would turn off immediately.

11 Q Did anyone say that listening to music on  
12 your D6A computer was against the user agreement?

13 A No, sir.

14 Q Were analysts allowed to watch movies in  
15 the T-SCIF?

16 A Yes, sir.

17 Q Where did these movies come from?

18 A Sir, some of them came from the salesmen  
19 outside and some of them came from the PX, some of them  
20 were on the actual T-Drive as well.

21 Q And these movies were allowed to be brought

1 into the T-SCIF?

2 A Yes, sir.

3 Q Did anyone in the S2 section say that  
4 bringing movies into the T-SCIF was against the user  
5 agreement?

6 A No, sir.

7 Q With regards to the T-SCIF, where did you  
8 fall in the I guess the hierarchy of responsibility in  
9 the T-SCIF?

10 A In the T-SCIF I had no responsibility over  
11 the soldiers, just over the products.

12 Q So can you give us an idea of the chain of  
13 command just in the T-SCIF?

14 A It was the soldiers, their shift, NCOIC of  
15 OIC, whichever it was and then OIC, the two.

16 Q And where did you just within the S2  
17 section, I understand you say you had no responsibility  
18 for soldiers where did you fall in seniority just in  
19 the S2 section?

20 A I was overall in charge of all of the  
21 output from the fusion center.

1           Q     And when you say that, can you explain what  
2 you would be responsible for?

3           A     All of the products went through me and it  
4 all went through me -- it all went though me somehow.  
5 It either came back through me or out through me. And  
6 so if it was briefed to the commander or anybody higher  
7 it would come to me for QAQC.

8           Q     QAQC is quality assurance and quality  
9 control?

10          A     Yes, sir.

11          Q     With regards to the soldiers, even though  
12 they wouldn't working for you directly as far as you  
13 having direct oversight of them per se, everything they  
14 did went through you?

15          A     Yes, sir.

16          Q     And from your standpoint I guess as the  
17 fusion OIC, would that be your position?

18          A     Yes, sir.

19          Q     Did you see anything in the T-SCIF when  
20 soldiers used games, music, or movies, or executable  
21 files that was against the user agreement, from your

1 perspective?

2 A I didn't, no, sir.

3 Q Let me ask you a couple of questions about  
4 terms used by analysts in their work product. Okay?

5 A Yes, sir.

6 Q Can you tell me what an intelligence gap  
7 is?

8 A It's information that we don't have, that  
9 we do not have at that time.

10 Q And what would you call if you don't have  
11 it, that's something you don't know or just something  
12 you're unsure of?

13 A It's something that we might have an idea  
14 about, but we don't have -- we don't know for sure what  
15 it is.

16 Q When would you use the term intelligence  
17 gap in a work product?

18 A If you didn't have the answer for who,  
19 what, when, why or one of the five Ws or something.

20 Q If you had actual knowledge of a particular  
21 fact, would you call that fact an intelligence gap?

1           A       If we had the knowledge of it, no it would  
2 not be an intelligence gap.

3           MR. COOMBS: Thank you, sir.

4           THE WITNESS: Yes, sir.

5           THE COURT: Cross examination?

6           MAJOR FEIN: May we have a moment, Your  
7 Honor?

8           THE COURT: Yes.

9                   CROSS EXAMINATION

10                  BY MAJOR FEIN:

11           Q       Chief, first I'd like you to start off  
12 testifying about restrictions or lack of restrictions  
13 on SIPRnet.

14                  First off, a person in order to access  
15 SIPRnet, you had to have a security clearance, correct?

16           A       Yes, sir.

17           Q       And information is presumed to be secret  
18 that's on SIPRnet?

19           A       Yes, sir.

20           Q       That includes the databases on SIPRnet?

21           A       Yes, sir.

1           Q     That includes the websites on SIPRnet?

2           A     Yes, sir.

3           Q     And everyone who worked on the T-SCIF in  
4 that S2 section had stop secret SCI clearance?

5           A     Yes, sir.

6           Q     That included PFC Manning?

7           A     Yes, sir.

8           Q     And everybody who worked on SIPRnet at the  
9 brigade had a secret clearance?

10          A     At least, sir.

11          Q     And when information from SIPRnet was  
12 burned onto CDs, how were those CDs required to be  
13 treated?

14          A     All CDs were handled as secret.

15          Q     Were they all labeled? You testified  
16 earlier they weren't always, always labeled?

17          A     Always labeled.

18          Q     But they were still treated as secret.

19          A     Yes, sir.

20          Q     When information was burned for Iraqis to  
21 share, that was a mission of the S2 section?

1           A       yes, sir.

2           Q       The mission was to share U.S. classified  
3 information with the Iraqis?

4           A       It was -- well, there's different levels of  
5 secret, sir; but there's releasable to, and if those  
6 were releasable to Iraqis then we would use that, sir.

7           Q       And who makes that determination?

8           A       Either the user that puts it in or the  
9 classification identifiers.

10          Q       Sure, but the person who is burning it onto  
11 a CD and ultimately sharing with the Iraqis, is that a  
12 foreign disclosure officer?

13          A       Yes, sir.

14          Q       And are those specific trained individuals?

15          A       Yes.

16          Q       Who are the foreign disclosure officers in  
17 the S2 shop?

18          A       Lieutenant Airs and myself.

19          Q       And it was your responsibility to review  
20 information before it went to the Iraqis?

21          A       Yes, sir.

1           Q     What other classified information burned  
2 from SIPRnet was allowed out of the SCIF?

3           A     If we needed to go to any other FOB or any  
4 other location that was required to pass that  
5 information to them, that's when it was --

6           Q     Does that include the soldiers CHU?

7           A     Yes, sir.

8           Q     They're individual CHU they could take  
9 classified on a CD to their individual CHU?

10          A     I don't think that was practice, but I  
11 don't see how that would have been stopped.

12          Q     I'll get to that in a moment whether it  
13 could be stopped or not?

14          A     Right.

15          Q     Was anyone in your office that you knew  
16 about authorized to burn classification information  
17 from the SIPRnet onto a CD and take it to their CHU?

18          A     The OIC and NCOIC were allowed to, sir.

19          Q     What the purpose of that?

20          A     Because they have SIPR connections.

21          Q     So they actually had a work place in their

1 CHU that had secret connections?

2 A Yes, sir.

3 Q Did others have?

4 A No, sir.

5 Q Others in the brigade have that?

6 A Yes, sir.

7 Q Like who?

8 A The OICs, I think the S6 as well, and the  
9 battalion commander, brigade commander.

10 Q Did you have that in your CHU?

11 A No.

12 Q Did you have classified information in your  
13 CHU?

14 A No, sir.

15 Q Did a junior enlisted have classified  
16 information in their CHU?

17 A No, sir.

18 Q Was anyone who burned a CD from SIPRnet  
19 with classified information on it they were allowed to  
20 take it to their CHU and put it on to the Internet for  
21 the whole world to see, were they?

1           A       No, sir.

2           Q       Was there a rule written down in any SOP or  
3 was that briefed during any meeting at the SCIF?

4           A       As far as intelligence being put on to an  
5 unclassified system? We learned that in AIT and every  
6 time we go to a duty station, sir.

7           Q       Was that something that was commonly known  
8 within the brigade as to SCIF.

9           A       It was commonly known throughout the whole  
10 intelligence community.

11          Q       Why do you focus on the intelligence  
12 community versus even the whole Army?

13          A       If they had a clearance then they  
14 understand that, sir.

15          Q       And everybody in the intelligence community  
16 has a clearance?

17          A       Yes, sir.

18          Q       Everyone in the intelligence community,  
19 especially 210 Mountain at that time when you deployed  
20 with PFC Manning their job was to handle classified  
21 information all the time, correct?

1           A     Correct, sir.

2           Q     So let's go through these restrictions on  
3     SIPRnet. What were the restrictions on SIPRnet?

4           A     No, sir.

5           Q     But you had to have the ability to be on  
6     SIPRnet?

7           A     Yes.

8           Q     So you had to have a clearance?

9           A     Yes.

10          Q     Would you consider a clearance a  
11     restriction?

12          A     Right. Everybody had a clearance.

13          Q     On SIPRnet?

14          A     Everybody in our shop had a, you know,  
15     like --

16          Q     So when you testified earlier no  
17     restriction on SIPRnet, you meant for individuals in  
18     your shop, what they did on SIPRnet?

19          A     Yes.

20          Q     Could anyone offer the treat do anything  
21     think want to do SIPRnet?

1           A       No.

2           Q       Why?

3           A       Because they didn't have the access or  
4 clearance.

5           Q       Now, let's talk about SIPRnet itself. You  
6 mentioned a bunch of different databases. Without your  
7 repeating them all, if you could -- you would agree  
8 that if you could get to the information on SIPRnet  
9 with a clearance then you could access that  
10 information?

11          A       Yes, sir.

12          Q       And you had the D6A system as the system  
13 provided to you as an intelligence analyst by the Army  
14 to do that?

15          A       Yes, sir.

16          Q       You had programs on the D6A computer to  
17 help you do that?

18          A       Yes.

19          Q       You had the SIPRnet Internet to help you do  
20 that?

21          A       Yes, sir.

1           Q        you had Intel Link to help you do that?

2           A        Yes.

3           Q        You had intel media to do that?

4           A        Yes.

5           Q        And if it was on intelpedia you could  
6 access it and you could use it?

7           A        Yes, sir.

8           Q        And the mission of 210 Mountain was to  
9 focus on your brigade AO which is the Southeast area of  
10 Baghdad, correct?

11          A        Yes, sir.

12          Q        And so intelpedia on SIPRnet contained  
13 classified information?

14          A        Yes, sir.

15          Q        And that classified information required  
16 individuals to have clearances?

17          A        Yes, sir.

18          Q        Sign a nondisclosure agreement?

19          A        Yes, sir.

20          Q        Have background investigations?

21          A        Yes, sir.

1           Q     To the best of your memory, no soldier in  
2 your S2 stop as you mentioned you were not technically  
3 in charge of any of them, but to the best of your  
4 memory no one was authorized to use classified  
5 information for personal use?

6           A     Yes, sir.

7           Q     Now, let's talk about D6A. D6A was the  
8 computer system you were provided, correct?

9           A     Yes, sir.

10          Q     What was the first system when you joined  
11 the Army that you used as a junior enlisted analyst.

12          A     The ASAFA, sir.

13          Q     Was that the predecessor to the D6A?

14          A     Yes.

15          Q     Did that run on a classified network?

16          A     Yes, sir.

17          Q     Again, did D6A replace that?

18          A     Late nineties.

19          Q     In your own words for the Court, how do you  
20 describe D6A, the system?

21          A     It's just a consolidated -- a computer with

1 everything on it that we need as analysts.

2 Q So everything you need as an analyst?

3 A Yes, sir.

4 Q What are of -- so the programs that the  
5 Army and you use as an analyst. What are their names?

6 A The ones that we identified. There's  
7 mapping. There's different maps that they change  
8 throughout the years.

9 Q So in Iraq when you were 210, when PFC  
10 Manning was there, what were the ones that you remember  
11 then?

12 A I know CIDNE. I know there was Intel Link.  
13 There was intelpedia, and I don't remember the map, the  
14 mapping.

15 Q Was there a GIS type of program?

16 A Yes.

17 Q Was a Query Tree?

18 A Yes.

19 Q What's a Query Tree?

20 A Is what we would type in a search for  
21 anything. We could use part of the name, some of the

1 name with different symbols or variations of things to  
2 find out information on that specific item --

3 Q I'm sorry, please, go the ahead.

4 A On that specific item or person, sir.

5 Q When someone who had to have a secret  
6 clearance to use the Query Tree to query different  
7 databases that were on SIPRnet, correct?

8 A You had to have secret clearance, yes.

9 Q When you typed in Query Tree it allowed you  
10 to search databases for the information you're looking  
11 for?

12 A Yes, sir.

13 Q Because you said it searched everything?

14 A Yes.

15 Q And by everything you mean almost every  
16 database you can think of as an intel analyst?

17 A Yes, sir.

18 Q But on the SIPRnet, the secret system,  
19 Jwikes, the higher level?

20 A Yes, sir.

21 Q What was a Google maps?

1           A       There was Google Earth.

2           Q       How was Google Earth used?

3           A       We only used Google Earth when we wanted  
4 the defined pictures because they had a better  
5 satellite image than the military one that we used.

6           Q       Google Earth was on SIPRnet, correct?

7           A       Yes, sir.

8           Q       And the information put on Google Earth was  
9 from classified information?

10          A       Yes, sir.

11          Q       You mentioned CIDNE a few times. Just to  
12 clarify a few points -- first before that, about PFC  
13 Manning's computer literacy you testified just now  
14 about.

15                 You said that he was good at utilizing the  
16 tools he had on the computers?

17          A       Yes, sir.

18          Q       Are those tools you're talking about right  
19 now?

20          A       Yes, sir.

21          Q       Do you know what WGet is?

1           A       No.

2           Q       You don't know what WGet is?

3           A       I don't --

4           Q       So you don't know if he was good or bad at  
5 using WGet?

6           A       No, sir.

7           Q       Was WGet to the best of your memory one of  
8 those D6 tools the Army provided for you to do intel?

9           A       I don't know what WGet is, sir.

10          Q       (INAUDIBLE)

11          A       Yes, sir.

12          Q       Query Tree, GIS, Google Maps?

13          A       Yes, sir.

14          Q       CIDNE?

15          A       Yes, sir.

16          Q       But you testified he was as a junior a  
17 analyst he was weak in his ability to assess?

18          A       Yes.

19          Q       How did you assess whether he was good at  
20 utilizing the tools if he was weak in his assessments?

21          A       Being an analyst is a two-part job. You

1 have products and you can always paint a picture of  
2 what's actually happening. And then you have the  
3 second part of being an analyst is taking that  
4 information and then making some deductive reasoning or  
5 some assessments on what you think is actually going to  
6 happen or how you think that's going to affect the  
7 enemy or the friendly.

8 Q So then would it be accurate to say you  
9 have to understand what you're looking at and you have  
10 to understand how to apply what you're looking at?

11 A Yes, sir.

12 Q Was he good at step one of what he was  
13 looking at?

14 A Yes, sir. Without a doubt, sir.

15 Q Using a rating scale of 1 to 10, 10 being  
16 the world's best analyst which I'm sure you are a 10  
17 and then 1 being not through AIT. How would you rate  
18 PFC Manning in how to use the information?

19 A How to use --

20 Q How to analyze it?

21 A He's maybe a 5.

1           Q     How do you rate him on that 1 to 10 scale  
2 of what the information is because he could respond to  
3 everything you asked him to do and he pulls the data.

4           A     A ten, sir.

5           Q     Is that what you mean when you talk about  
6 data mining?

7           A     Yes.

8           Q     And that data mining, what tools did use to  
9 data mine for your?

10          A     Query Tree was the most common, sir.

11          Q     What about CIDNE?

12          A     CIDNE was used as well.

13          Q     And CIDNE was used, was SigActs used?

14          A     Yes, sir.

15          Q     And he pulls SigActs?

16          A     Yes, sir.

17          Q     Could you explain more for the Court what  
18 you mean by the term density plot? What's a density  
19 plot?

20          A     Yes, sir. That's what I was talking about  
21 with the colors or the intensity of the attack and it

1      fades out to a lighter color with the less attacks that  
2      are in that location it would go lighter and lighter.  
3      So it's hot spots basically, sir.

4            Q      And I should have asked a more specific  
5      question. What information does an analyst or did PFC  
6      Manning use to make that density plot?

7            A      All those programs we used use them to  
8      identify whether it be a small arms attack or IAD  
9      attach or an ambush or even kidnapping, anything like  
10     that that you'd use that information in CIDNE you could  
11     use it from any of the databases.

12          Q      And you use density plots in your line of  
13     work?

14          A      Yes, sir.

15          Q      And density plots showed what happened in  
16     the past?

17          A      Yes, sir.

18          Q      So you use that historic information you're  
19     talking about?

20          A      Yes.

21          Q      It's that historic information that was

1 used that PFC Manning was very good at from density  
2 plots came from CIDNE is one of the sources?

3 A Yes, sir.

4 Q And you had mentioned IAD information?

5 A Yes, sir.

6 Q You would agree that CIDNE had (INAUDIBLE)  
7 engagements?

8 A It had not specifics of the engagement, but  
9 it the have generalized engagements, yes, sir.

10 Q It had you mentioned IAD, the TTP that we  
11 follow in reacted to IAD.

12 A Yes.

13 Q The TTPs we follow in finding IADs?

14 A It didn't explain how we found them, sir.

15 It would explain what happened in that event.

16 Q When ground penetrating radar worked or did  
17 not work?

18 A No, sir.

19 Q It wouldn't explain that?

20 A No, it didn't explain that.

21 Q From the staff you write?

1           A       Yes, sir.

2           Q       I assume you also have not read every  
3       single SigAct in CIDNE?

4           A       Yes, sir.

5           Q       How many times have you deployed?

6           A       Five times.

7           Q       In what theaters?

8           A       In Afghan and Iraq, sir.

9           Q       How many times in each?

10          A       One in Afghan and four in Iraq.

11          Q       How many times in 210 Mountain?

12          A       Twice -- three times with 10th Mountain and  
13       twice with (INAUDIBLE).

14          Q       Thank you. You would agree that CIDNE has  
15       medivac reports sent?

16          A       Yes, sir.

17          Q       How we medivac?

18          A       Yes, sir.

19          Q       How we find our kidnapped soldiers?

20          A       It didn't tell how to, it just tells the  
21       results of it.

1           Q     What we did once someone was kidnapped?

2           A     No. It was the actual event. There's no  
3 report on what we did or how we reacted to it. It's a  
4 report of just facts on what happened during that  
5 event.

6           Q     What happened on the ground then?

7           A     Yes, sir.

8           Q     And those types of reports you relied on  
9 PFC Manning to understand what was in them to pull the  
10 information you needed?

11          A     Yes, sir.

12          Q     And he was good at that?

13          A     Yes, sir.

14          Q     He was a 10 at that?

15          A     Yes, sir.

16          Q     Would you have gone to him if you didn't  
17 understand what was in the CIDNE database?

18          A     I would still utilized him, but not that  
19 much --

20          Q     You had confidence that he understood  
21 exactly that type of information that was there?

1           A       yes, sir.

2           Q       Earlier you testified about mIRC Chat.

3       mIRC Chat was there when you showed up?

4           A       Yes, sir.

5           Q       What unit did you go out with?

6           A       The 82nd.

7           Q       3rd Brigade, 82 Airborne?

8           A       Yes, sir.

9           Q       When you worked out there (INAUDIBLE) you  
10      fell out on what their all source tech computer?

11          A       Yes, sir.

12          Q       And then that you did a left C right C with  
13      that all source tech?

14          A       No, I did not, sir.

15          Q       You didn't get that opportunity?

16          A       No, sir. I started a month later.

17          Q       When you showed up a month later mIRC was  
18      on that computer?

19          A       Yes, sir.

20          Q       Earlier you testified about the use of open  
21      source intelligence. How did 210 Mountain use op sent

1       in your daily operations?

2           A       If we wanted to look for other information,  
3       if we're trying to confirm something happened or add to  
4       our packet because we they target different things like  
5       that that we could get any kind of intelligence,  
6       whether it would be from CNN or from intel media, we  
7       would get it.

8           Q       And the SigActs you're testifying about  
9       that came from CIDNE?

10          A       Yes, sir.

11          Q       And CIDNE was on SIPRnet?

12          A       Yes, sir.

13          Q       And most SigActs were classified secret?

14          A       Yes, sir.

15          Q       What is the classification of open source  
16       information?

17          A       Unclassified.

18          Q       Unclassified?

19          A       Yes, sir.

20          Q       Can it be classified if there's analysis  
21       with it?

1           A     If it was analysis put on it, then it would  
2 be removed in unclassified because that's usually what  
3 makes a SigAct classified is when it has an assessment  
4 or analysis onto it and it moves to the secret.

5           Q     Thank you. But for open source information  
6 it's unclassified unless it has analysis with it?

7           A     It can have analysis just as long as it's  
8 not done by an intelligence professional.

9           Q     Because then why?

10          A     Because we have that training to make --  
11 and the information to make a more educated analytic  
12 view.

13          Q     Was that the training you think that PFC  
14 Manning did or did not have?

15          A     Yes, we have that, all of us.

16          Q     Did he have that or not?

17          A     Yes, sir.

18                MAJOR FEIN: One moment, please, Your  
19 Honor.

20                THE COURT: Okay.

21                BY MAJOR FEIN:

1           Q     Also earlier when Mr. Coombs asked you  
2 questions I think there was some confusion with  
3 executable versus something on your desktop.

4           If you had a short up on your desktop do  
5 you believe that to be an executable?

6           A     No, sir.

7           Q     What do you believe it does?

8           A     That brings you to whatever that executable  
9 file is, sir.

10          Q     So it's just a link to point you to where  
11 the other file is?

12          A     Yes, sir.

13          Q     And, to the best of your memory, you were  
14 not authorized put any executable files onto your  
15 actual D6A machine?

16          A     That's correct, sir.

17          Q     You remember you testified that you were  
18 told by Mr. Millman apparently that you could have  
19 executables on a CD?

20          A     Yes, sir.

21          Q     And then you can run the CD?

1           A     We could run the CD.

2           Q     So long as you didn't have to be an  
3 administrator?

4           A     Yes, sir.

5           Q     So you could run it on the CD?

6           A     Yes, sir.

7           Q     But you could not put it on your desktop,  
8 the file itself?

9           A     Right.

10          Q     And prior to your preparation for this  
11 testimony, had you ever heard of the term executable  
12 file?

13          A     No, sir.

14          Q     So what is it that you remember Mr. Millman  
15 telling you about a CD?

16          A     That we were not allowed to put any kind of  
17 programs or anything without going through him.  
18 Everything that had to be downloaded onto the computer  
19 had to go through him because he was overall  
20 responsible for those systems.

21          Q     So whatever this is on this CD you went to

1 him?

2 A Yes, sir.

3 Q And after you went to him he said just run  
4 it on the CD, you're fine?

5 A If we had any intentions of putting it onto  
6 the desktop we had to go to him. If it was run off the  
7 CD we didn't have to go to him.

8 Q And you sought that clarification?

9 A Yes, sir.

10 Q So you don't recall today whether that  
11 thing on the CD was a self-executable or just a program  
12 because you don't know the difference between the two?

13 A No, I do not.

14 MAJOR FEIN: No further questions, Your  
15 Honor.

16 THE COURT: Redirect?

17 MR. COOMBS: Yes, Your Honor.

18 REDIRECT EXAMINATION

19 BY MR. COOMBS:

20 Q Chief, I just want to clear up that last  
21 point then to make sure.

1           So do you recall me sending an e-mail to  
2 you to seek clarification on this point of how you  
3 could use a executable file either on a CD or as a  
4 shortcut on the desktop of your computer?

5           A     Yes, sir.

6           Q     And with regards to -- I only want to ask  
7 you from what you were told and from your perspective.  
8 Okay?

9           A     Yes, sir.

10          Q     You had earlier said that you ran something  
11 from a CD and you didn't need to seek guidance or  
12 permission for that because that was permitted. Do you  
13 recall saying that?

14          A     Yes, sir.

15          Q     What did you run from a CD?

16          A     There's different things that we had to  
17 click on. I know I ran -- maybe that was a movie  
18 player or something like that. I know I ran a movie  
19 player from that, a BLC.

20          Q     All right. So a movie player was a program  
21 that you didn't have on your D6A computer but you did

1 have it as a program on a CD and you could run it from  
2 a CD?

3 A Yes, sir.

4 Q On the D6A?

5 A Yes, sir.

6 Q And presumably I guess if you were doing a  
7 movie player you had something on your D6A computer  
8 that you wanted to use that movie player to play?

9 A Right.

10 Q Did anyone say that was against the user  
11 agreement to do that?

12 A No, sir.

13 Q Now, when you have a shortcut on the  
14 desktop of your computer that links you to a CD. So if  
15 you click a shortcut and it runs whatever you have on  
16 the CD, was that permitted?

17 A Yes, sir.

18 Q Did you have to go to Mr. Millman or anyone  
19 else to get permission to do that?

20 A No, sir.

21 Q When you say permitted like do you recall

1       that was put out by the S2 section or how was that  
2       permitted?

3           A       When we I seek clarification for what we  
4       could put on the computers, that's the guidance. They  
5       told us as long as you don't download it onto the  
6       actual computer, you can use it.

7           Q       So tell me if this was permitted. If I had  
8       say WGet or say I had some executable program on a CD  
9       and I plugged it in and --

10              MAJOR FEIN: Objection, the witness has  
11       already said he doesn't understand the difference  
12       between an executable and an installable file or  
13       program. There's not sufficient basis here to continue  
14       with this line of questioning.

15              MR. COOMBS: I don't believe that's what  
16       the witness said, Your Honor. I believe the witness  
17       said prior to maybe this court martial wasn't as  
18       familiar with the term executable file, but he knew  
19       what an executable was.

20              I actually asked him that during my  
21       direct.

1                   THE COURT: What is an executable file?

2                   THE WITNESS: Something that could be run  
3 by itself, ma'am.

4                   THE COURT: What's the other program you  
5 used?

6                   MAJOR FEIN: The foundation between  
7 something that could be run on its own versus a program  
8 that would be installed and the defense between the  
9 two.

10                  THE COURT: What is your understanding  
11 about what kind of a program could be used in a  
12 computer with a CD and shortcut added to the desktop?  
13 What, if any, restrictions on what's on that CD are  
14 there?

15                  THE WITNESS: I was under the impression  
16 that there was no restrictions on the actual CD.

17                  THE COURT: It doesn't matter what kind of  
18 a program it is, anything goes?

19                  THE WITNESS: Yes, ma'am.

20                  THE COURT: Overruled.

21                  Go ahead.

1                   BY MR. COOMBS:

2                 Q     If I had a different program on a CD and I  
3 placed a shortcut for that program on my desktop to run  
4 it and I double clicked and it ran, from your  
5 perspective was that against the user agreement from  
6 your understanding?

7                 A     No, sir.

8                 Q     And you had talked about on cross the  
9 various programs that were available to you from the  
10 D6A computer, and when I asked you what program you  
11 used on the CD you said it was a version of the media  
12 player; is that right?

13                A     Yes, sir.

14                Q     So how did you get that version of the  
15 media place that wasn't available on the D6A computer?  
16 Where did you go get that version on the CD?

17                A     It was a CD that was given to me, sir.

18                Q     Do you know where that came from?

19                A     I do not remember, sir.

20                Q     If a soldier downloaded something from  
21 NIPRnet and burned it onto a CD, any sort of program,

1 and then put that into their D6A computer to run from  
2 the CD was that from your understanding against the  
3 user agreement?

4 A You're allowed to do that, but you're not  
5 allowed to do it the other way around.

6 Q When you say the other way around when you  
7 put it on the computer -- and I want to make sure  
8 there's no confusion there.

9 When you're putting it on the computer, the  
10 program, is that something that you need to have  
11 administrative rights to do?

12 A If you were going to do download it onto  
13 the computer you need administrative right.

14 Q You can said this is beyond your computer  
15 knowledge, but if you didn't have admin rights to the  
16 D6A computer, could you do that?

17 A I know I couldn't do it.

18 Q Even if you wanted to like if you said,  
19 look, I'm going to add this program to my D6A computer,  
20 you didn't have admin rights, from your understanding  
21 you couldn't do it?

1           A       Right.

2           Q       Even if you wanted to?

3           A       Yes, sir.

4           Q       That might be an example of why that was  
5 not permitted?

6           A       Yes, sir.

7           Q       Thank you.

8           A       Yes, sir.

9           THE COURT: Any last --

10           MAJOR FEIN: May I have a moment, Your  
11 Honor?

12           THE COURT: Yes.

13           MAJOR FEIN: No further questions, Your  
14 Honor.

15           THE COURT: Chief, I have a couple of them.  
16 Just to make sure that I understood your testimony.  
17 You wanted to have a media viewer from a CD and you put  
18 that into your computer.

19           THE WITNESS: Yes, ma'am.

20           THE COURT: And you put a shortcut on the  
21 desktop to use that?

1                   THE WITNESS: No. I would just go straight  
2 to the CD, ma'am. I have a shortcut to the CD player.

3                   THE COURT: You had a shortcut to the CD  
4 player?

5                   THE WITNESS: Yes, ma'am.

6                   THE COURT: Why did you go to Mr. Millman  
7 at all about using that CD?

8                   THE WITNESS: If the CD got scratched or  
9 you lost it or something, you didn't have access to  
10 that computer or to that program no more. So I always  
11 put stuff on my computer. Anything I wanted to put on  
12 it that was not already on the D6A I had to go through  
13 Mr. Millman.

14                  THE COURT: So this media viewer, did you  
15 actually run it from the CD or did Mr. Millman put it  
16 on your computer?

17                  THE WITNESS: I ran it from a CD for a  
18 while until Mr. Millman said it was okay to put it  
19 on and he eventually put it on for me.

20                  THE COURT: I thought I heard earlier that  
21 you tried to use it from the CD and you needed

1 administrative rights?

2 THE WITNESS: I initially tried to put  
3 on it myself.

4 THE COURT: On the computer?

5 THE WITNESS: Yes, ma'am.

6 THE COURT: If you weren't supposed to add  
7 things to the computer then why did you do that?

8 THE WITNESS: Because I did not know at  
9 that time that the D6A was not our property and that's  
10 why we're not allowed to put that on the D6A because  
11 they were not our 210 property. I assumed they were  
12 ours from home, which they were not.

13 THE COURT: Were there any restrictions  
14 that you're aware of with respect to putting a program  
15 on a CD that actually accesses the classified  
16 information on the SIPR?

17 THE WITNESS: No, ma'am.

18 THE COURT: Any follow-up based on that?

19 MR. COOMBS: No, Your Honor.

20 MAJOR FEIN: No, ma'am.

21 THE COURT: Temporary or permanently

1       excused.

2                   MR. COOMBS: Permanent, Your Honor.

3       Actually temporary. I apologize.

4                   THE COURT: You are temporarily excused.

5       Please don't discuss your testimony or rules of the  
6       case with anyone other than the lawyers of the accused  
7       or the prosecutors.

8                   THE WITNESS: Yes, ma'am.

9                   THE COURT: Is now a good time to take  
10      lunch or do you want to go for another witness?

11                  MR. COOMBS: Lunch break, Your Honor.

12                  THE COURT: How long would you like?

13                  MR. COOMBS: If we could have an hour and  
14      15 minutes.

15                  THE COURT: Any objection?

16                  MAJOR FEIN: No, ma'am.

17                  THE COURT: Court is in recess until 1345  
18      or 1:45.

19                   (Recessed at 12:15 p.m. for lunch.)

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